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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,035	11/17/2003	John J. Giobbi	MD-1-CIP2	2770

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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/715,035

Applicant(s)

GIOBBI, JOHN J.

Examiner

Kambiz Zand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-11, 13, 14, 16 and 26-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-3, 5, 6, 8-11, 14, 16, 27 and 28 (renumbered claim 27) is/are allowed.
6) ☒ Claim(s) 29, 30 and 32 is/are rejected.
7) ☒ Claim(s) 31 (re-numbered claim 30) is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Kambiz Zand
[Signature]

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/18/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Examiner withdraws objection to the drawings and specification due to correction by the applicant.
4. Examiner withdraws rejection of claims 1-26 under 35 U.S.C 112-second paragraphs due to correction by the applicant.
5. Claims 4, 7, 12, 15 and 17-25 have been cancelled.
6. Claims 1, 5, 8, 9, 13, 14 and 16 have been amended.

Claim Objections

7. **Claim 26** is objected to because of the following informalities:

Claim 26 depends on the cancelled claim 22, new amendment have not included the original claim 26 (see original claims filed) which examiner considers as a typo error.

Examiner suggests the following corrections:

a) **Claim 26:** cancelled.

b) New claims 26-31 filed on 05/16/2005 be re-numbered as claims 27-32 in order to overcome the objections to the specification (see below). Corrections are required.

Specification

8. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claims 26-31 have been renumbered as claims 27-32.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

10. **Claims 29 and 32 (re-numbered claims 28 and 31 filed on 05/16/2005)** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al (6,385,596 B1) in view of Paget (The security behind Secure Extranets, Enterprise System Journal, 14, 12, 74, December 1999); and further in view of Hasegawa (6,632,992 B2).

As per claim 29 and 32 Wiser et al (6,385,596 B1) teach a method, system of securing

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a hard drive (see fig.1b, blocks 106, 120 and 130; col.4, lines 3-13; abstract), comprising: detecting the key with the receiver/decoder circuit; validating the detected key with the receiver/decoder circuit; and if the detected key is validated, giving access to a file by decrypting files with the receiver/decoder circuit using the detected key, whereby the decrypted file can be played back with the playback mechanism (see abstract; fig. 2 and 4 and associated text; col.3, lines 5-10; col.4, lines 15-18 where the passport corresponds to Applicant's key; col.4, lines 12-27, 51-67; col.5, lines 11-17; col.8, lines 46-56 where decryption process is being done and where the decoding or decrypting/encryption or encoding circuit is inherent part of the system since the fig.2 and 4 and associated text disclose the act of encryption and decryption; Also see the entire reference for more detail) but do not explicitly disclose the key is a physical, portable key. However Paget (The security behind Secure Extranets, Enterprise System Journal, 14, 12, 74, December 1999) disclose the key is a physical portable key (see the entire reference pages with close attention to where the passport and digital certificate that contains the key are installed on a smart card on the second page where examiner considers such smart card as corresponding to Applicant's physical, portable key). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Paget's portable key such as the smart card in Wiser's secure access to on-line music files on the storage (hard disk) in order to extends extranet access and authority to users based on their roles and business privileges, while ensuring confidentiality and integrity of the data users send, receive and access.

Wiser et al (6, 385, 596 B1) in view of Paget (The security behind Secure Extranets, Enterprise System Journal, 14, 12, 74, December 1999) do not explicitly disclose wireless communication. However Hasegawa (6,632,992 B2) wireless communication (see col.3, lines 22-39). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Hasegawa's wireless communication in Wiser's secure access to on-line music files on the storage (hard disk) in view of Paget's portable key such as the smart card in order to extends extranet access and authority to users based on their roles and business privileges, while ensuring confidentiality and integrity of the data users send, receive and access without the use of wires or cables.

11. **Claim 30 (re-numbered claim 29 filed on 05/16/2005)** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al (6,385,596 B1) in view of Paget (The security behind Secure Extranets, Enterprise System Journal, 14, 12, 74, December 1999) in view of Hasegawa (6,632,992 B2); and further in view of Blair (5,187,352 A).

As per claim 30 Wiser et al (6,385,596 B1) in view of Paget (The security behind Secure Extranets, Enterprise System Journal, 14, 12, 74, December 1999); and further in view of Hasegawa (6,632,992 B2) teach all limitation of the claim as applied to claim 29 above but do not explicitly disclose enabling and disabling of the hard disk. However Blair (5,187,352 A) disclose enabling and disabling of the hard disk (see abstract; fig.4.

and associated text; col.5, lines 36-48). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Blair's enabling/disabling mechanism and method in Wiser's secure access to on-line music files on the storage (hard disk) in view of Paget's portable key such as the smart card in order to extends extranet access and authority to users based on their roles and business privileges, while ensuring confidentiality and integrity of the data users send, receive and access without the use of wires or cables incorporating Hasegawa's wireless communication in order to control read/write to the hard drive.

Allowable Subject Matter

12. Claims 1-3, 5, 6, 8-11, 13, 14, 16 and 27-28 (re-numbered claims 26-27 filed on 05/16/2005) are allowed.

13. Claim 31 (re-numbered claim 30 filed on 05/16/2005) is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

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